

## **REMARKS**

Upon entry of the present amendment, claims 4-6, 9, 13, 15, 18-22, 25, 30-32, 35 and 46-70 will be pending in this application. Claims 4-6, 9, 13, 15, 18-22, 25, 30-32, 46, 47, 49, 51, 53-56, 59, 60, 62 and 65-67 are allowed. October 4, 2007 Office Action, page 1, paragraph 5 and page 3, paragraph 7.

Claims 35, 48, 52 and 57-58 have been rejected under 35 U.S.C. 103(a) as unpatentable over McCubbin in view of Fraser et al. October 4, 2007 Office Action, page 2, paragraph 3. Claims 50, 61, 63-64 and 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCubbin in view of Fraser et al, and further in view of McLean. October 4, 2007 Action, page 3, paragraph 6.

Thus claims 35, 48, 50, 52, 57-58, 61, 63, 64 and 68-70 stand rejected.

### **Claims 63 and 64**

Claims 64 depends from claim 63, which depends from **allowed** claim 62, which depends from **allowed** claim 4; accordingly it appears that claims 63 and 64 should have been allowed. Applicant therefore requests reconsideration and allowance of Claims 63 and 64.

### **Claim 35 and Claims Depending On It Should be Allowed.**

All of claims 48, 50, 52 and 57-58, 61 and 68-70 depend directly or indirectly on claim 35. Claim 35 has been rejected:

under 35 U.S.C. 103(a) as being unpatentable over McCubbin in view of Fraser et al. . . . To modify the tool in McCubbin by providing concave

surfaces on the clamping bars, to provide plural areas of contact to prevent shifting during use, would have been obvious in view of Fraser et al.

October 4, 2007 Office Action, page 2, paragraph 5.

Amended claim 35 should be reconsidered and allowed because: (1) it has been amended to better distinguish over the prior art, (2) combination of the cited references does not produce the claimed subject matter, and (3) there is no reason to combine the cited references.

The concave clamping surfaces on the clamping bars of the invention claimed in claim 35 are not intended to “provide plural areas of contact.” Flat surface clamping bars provide plural areas of contact. The claimed concave clamping bars provide lines of bar-to-tool contact along the bar edges to limit contact to two lines as widely separated on the bar faces as possible, as is explained in the application at page 14, lines 5-9:

Figures 13 and 14 illustrate a honing guide 100 having clamp bars 102 between which a tool 104 is clamped in place for honing or sharpening. The concave clamping surface 106 of the bars 102 force regions of contact 108 between the tool 104 and the surface 106 as far apart as possible, so that the clamping force is concentrated along parallel lines at the edges of the bars 102.

Reduction of the contact area means that the force per unit area (e.g., pounds per square inch) force applied to the tool is greater, and separation of the lines of contact better secures the tool against skewing in the honing guide during use. This structure is described and illustrated in the present application, and claim 35 has been amended to require: **“two clamping bars, each having a tool-contacting, concave surface positioned to oppose the other clamping bar concave surface and shaped to contact the tool along parallel lines**

**at a first edge and a second edge of the bars.”** This amendment is supported by the specification quoted above and the accompanying drawing figures 13 and 14. No new matter has been added.

The clamping faces of jaws 12 and 16 of Fraser et al., 4,078,781 appear to provide jaw to jaw contact on approximately two thirds of the jaw faces and avoid such contact in about one third of the region (where the jaws are concave). Accordingly, the Fraser et al. jaws do not concentrate clamping force along parallel lines at the edges of the bars as required by amended claim 35. As a result, combination of McCubbin and Fraser et al. will not result in the honing guide of amended claim 35.

Furthermore, even if combination of McCubbin and Fraser et al. did result in the claimed subject matter, and it does not, the examiner has not identified any reason in the art or known to those in the art that would have motivated the proposed combination. As is set forth in the October 10, 2007 Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*, 72 Federal Register 57528-29:

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn* stated that “‘[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.’”

Nothing in McCubbin or Fraser et al. suggests such a combination. Nothing at all is said in Fraser et al. about the shape of the opposed faces of jaws 12 and 16. Indeed, the absence from Fraser et al. of any discussion of shape or shape-related function of clamping bar surface configurations means that it would be equally desirable to select the smooth, flat surface jaws 112 and 116 of Fraser et al. Figure 9 for use with McCubbin. Thus, the proposed combination of these references appears to be a hindsight reconstruction informed by the present patent application rather than a combination that would have been obvious to one of ordinary skill in the art.

Applicants respectfully request reconsideration of the rejection of claim 35 in light of the amendments and remarks above and allowance of claim 35 together with all of claims 48, 50, 52, 57-58, 61 and 68-70 that depend from claim 35 and are allowable for at least the reasons claim 35 is allowable.

Applicants respectfully request allowance of all pending claims.

## **CONCLUSION**

The amendments and the above remarks completely responded to the Office Action and place the application in condition for allowance. Such action is respectfully requested.

If the Examiner believes any informalities remain in the application that may be corrected by Examiner's Amendment, or there are any other issues that can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 815-6500 is respectfully solicited.

Respectfully submitted,  
/John S. Pratt, Reg. No. 29476/  
John S. Pratt  
Registration No. 29,476

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia 30309-4530  
(404) 815-6500